

REMARKS/ARGUMENTS

This communication is in response to the Non-Final Office Action dated February 26, 2009. Claims 1-7 were previously canceled, without prejudice. Claims 8-18 remain pending in this application with claim 8 being the only independent claim. Reconsideration is respectfully requested in view of arguments presented below.

Prior Art Rejections

Claims 8-13 are rejected under 35 U.S.C. §102(e) as anticipated by Yonezawa et al. (U.S. Patent No.: 7,168,695).

Claims 14-18 are rejected under 35 U.S.C. §103(a) as obvious over Yonezawa et al.

Claims 8-18 are rejected under 35 U.S.C. §103(a) as obvious over Stark (U.S. Patent No. 7,425,000) in view of Yonezawa et al.

Pursuant to 35 U.S.C. §119(a) the present claimed application is entitled to the benefit of and claims priority to German Patent Application No. 10 2004 006 418.0 filed on February 9, 2004. A certified translation of the foreign application has already been submitted. Accordingly, in order for a prior art reference to be valid in rejecting the claims of the present invention it must have an effective filing date that predates **February 9, 2004**.

None of the two prior art references relied on as the basis for rejecting the present claimed invention predate that of the present invention and thus are not valid prior art.

| Prior Art Reference | §102(e) Filing Date |
|---|----------------------------|
| Yonezawa et al. (U.S. Patent No.: 7,168,605) | May 11, 2005 |
| Stark et al. (U.S. Patent No. 7,425,000) | July 13, 2006 |

Accordingly, Applicant submits that the present claimed invention is patentable in view of the prior art of record and passage of the application to issuance is therefore requested.


CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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